



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3501 FAX (603) 271-6683



ADMINISTRATIVE ORDER
No. WD 02-025

July 2, 2002

Charles Censabella, Jr.
29 Small Road
Barrington, NH 03825

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Water Division to Charles Censabella, Jr. pursuant to RSA 485-A:42. This Administrative Order is effective upon issuance.

3. PARTIES

1. The Department of Environmental Services, Water Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 6 Hazen Drive, Concord, NH 03301.
2. Charles Censabella is an individual having a mailing address of 29 Small Road, Barrington, NH 03825.

C. STATEMENTS OF FACTS AND LAW

1. RSA 485-A:29-44 authorizes DES to regulate the subdivision of land and the construction, maintenance, and repair/replacement of individual subsurface sewage disposal systems ("septic systems"). Pursuant to RSA 485-A:41, the Commissioner of DES has adopted NH Admin. Rules Env-Ws 1000 to implement this program.
2. Charles Censabella, Jr. is the owner of record of certain property located at 29 Small Road in the Town of Barrington, NH and more particularly described on Town of Barrington Tax Map 6 as Lot 108 and Lot 108A ("the Property")
3. On August 24, 2001, DES personnel inspected the Property. The inspection revealed that a septic system had been installed on the Property that was not approved by DES and that did not meet the minimum standards established by DES.
4. The inspection revealed that no test pit had been dug on the Property to determine soil type and depth to seasonal high water as required by DES administrative rule Env-Ws 1003.10(i).
5. A review of DES records showed that no septic system design had been submitted for the Property or approved by DES.
6. On October 3, 2001, DES issued a Letter of Deficiency ("LOD") WD SS 01-11 to Mr. Censabella. The LOD requested Mr. Censabella to submit a septic system design prepared by a licensed septic system designer, receive approval of the design from DES, have the approved

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system installed by a licensed septic system installer, and receive operational approval for the installed system from DES.

7. As of June 7, 2002, Mr. Censabella had not complied with any of the requests contained in the LOD.

D. DETERMINATION OF VIOLATIONS

1. Charles Censabella, Jr. has violated RSA 485-A:29, I and Env-Ws 1003.01 by failing to submit plans for a new septic system to DES prior to replacing a residential septic system on the Property.
2. Charles Censabella, Jr. has violated RSA 485-A:29, I by failing to receive DES approval for construction of a septic system on the Property prior to commencing construction of the septic system.
3. Charles Censabella, Jr. has violated RSA 485-A:29, I and Env-Ws 1004.06(a) by failing to have the septic system installed on the Property inspected by DES personnel prior to covering the system.

E. ORDER

Based on the above findings, DES hereby orders Charles Censabella as follows:

1. Within 20 days of the date of this Order, submit a plan for the septic system constructed on the Property drawn by a licensed septic system designer, or by the owner of the Property.
2. Within 10 days of approval of the design by DES, uncover the septic system on the Property so that it can be inspected by DES personnel for compliance with the approved plan.
3. Within 7 days of receipt of operational approval of the septic system from DES, properly cover the septic system.
4. Send correspondence, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows:

Richard J. de Seve, Compliance Supervisor
DES Water Division, Subsurface Systems Bureau
PO Box 95, 6 Hazen Drive
Concord, NH 03302-0095
Fax: (603) 271-6683
e-mail: rdeseve@des.state.nh.us

F. APPEAL

Any person aggrieved by this Order may appeal the Order to the Water Council by filing an appeal that meets the requirements specified in Env-Ws 200 within 30 days of the date of this Order. Copies of the rule are available from the DES Public Information Center at (603) 271-

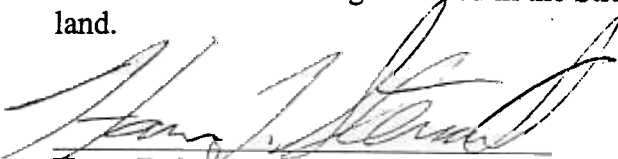
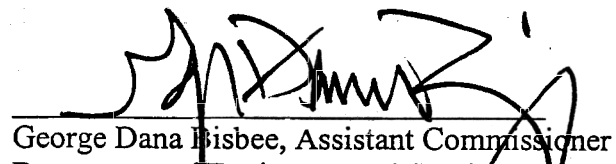
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2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve Mr. Censabella of the obligation to comply with the Order.

G. OTHER PROVISIONS

Please note that RSA 485-A:43 provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself

This Order is being recorded in the Strafford County Registry of Deeds so as to run with the land.


Harry T. Stewart, P.E., Director
Water Division
George Dana Bisbee, Assistant Commissioner
Department of Environmental Services

Certified Mail/RRR: 799 3400 0695 8715

cc: Gretchen Rule, DES Legal Unit
Public Information Officer, DES PIP Office
NH AGO
Town of Barrington Board of Selectmen
T. Buczek, Health Officer, Town of Barrington

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